

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MAYRA OBERGH,

Plaintiff,

21 **CIVIL** 5053 (VEC)(JLC)

-against-

**JUDGMENT**

BUILDING MAINTENANCE SERVICE LLC and  
ETHICAL CULTURE FIELDSTON SCHOOL,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 21, 2023, whereas careful review of the R&R reveals that there is no clear error. The R&R is adopted in full and Defendants' motion to dismiss the Amended Complaint is GRANTED. Ms. Obergh's Title VII claims are DISMISSED with prejudice, and Ms. Obergh's NYCHRL claims are DISMISSED without prejudice. Because the R&R gave the parties adequate warning, see R&R at 15, the failure to object to the R&R precludes appellate review of this decision. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). Because appellate review is precluded, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and, therefore, permission to proceed in forma pauperis for purposes of appeal is denied; accordingly, the case is closed.

**Dated:** New York, New York  
March 21, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**